

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Civil No.: 7:19-cv-08668

Plaintiff

-v-

Catrina Mantz
26 Mechanic Street
Port Jervis, NY 12771

John Doe, Refused Name
26 Mechanic Street
Port Jervis, NY 12771

AMENDED

~~PROPOSED~~ DEFAULT JUDGMENT AND JUDGMENT OF FORECLOSURE AND SALE

On the original Summons and Complaint, the Amended Complaint, and Notices of Pendency of this action, all filed in the office of the Clerk of this Court, and upon due proof of service upon each of the Defendants in this action, and upon the Affirmation of Barry M. Weiss dated December 2, 2021 and the Affidavit of Walter Lindsey, Jr. sworn to on September 23, 2021, and the exhibits thereto, by all of which it appears to the satisfaction of this Court that the Plaintiff is in all respects entitled to a default judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure and Section 1321 of the New York Real Property Actions and Proceedings Law, now upon the motion of the United States, it is

ORDERED, ADJUDGED AND DECREED, as follows:

That the mortgaged premises described in the Complaint, as hereinafter set forth, being more commonly known as 26 Mechanic Street, Port Jervis, NY 12771, New York, a parcel of land improved with a single family home, to be sold in and as one parcel, as a sale in one parcel will be most beneficial to the interests of the parties;

The name and phone number of the servicer for the Plaintiff is: United States Department of Agriculture, 1-800-414-1226.

That the sale be conducted at public auction at the Supreme Courthouse for the County of Orange, 285 Main St, Goshen, NY 10924 or at another such suitable location, by and under the direction of Brenda J. Miller, Esq., 43 John Street, Goshen, New York 10924, Special Master or Referee for the Southern District of New York, who is hereby directed to make the sale of said premises.

The Special Master or Referee shall give public notice of the time and place of sale as follows:

That the Special Master or Referee cause to be sent by mail, a copy of the Notice of Sale by depositing the same in a prepaid wrapper addressed to:

Catrina Mantz
26 Mechanic Street
Port Jervis, NY 12771

John Doe (Refused Name)
26 Mechanic Street
Port Jervis, NY 12771

That the Special Master or Referee cause the Notice to be published once weekly for four consecutive weeks in the Times Herald Record, a newspaper of general circulation published in Orange County, where the mortgaged premises are located. The Notice need not contain the full legal description of the property as set forth in Schedule A, but may refer to the property as 26 Mechanic Street, Port Jervis, NY 12771

The Plaintiff or any other party to this action may become a purchaser on such sale.

The Special Master or Referee shall execute to the purchaser on such sale a deed of the premises sold and upon receiving the proceeds of sale, forthwith pay the following items:

FIRST, Special Master's or Referee's fees and commissions on the said sale not exceeding, however, the sum of \$300.00;

SECOND, advertising expenses as shown on bills to be specified in his Report of Sale;

THIRD, the sum of \$258,739.39, with interest thereon from August 2, 2021, the amount owing to the Plaintiff and secured by the mortgage which is the subject of this action, or so much thereof as the purchase money of the mortgaged premises will pay of the same;

FOURTH, Attorney Fees in the amount of \$4,125.00 which is hereby awarded to Plaintiff as reasonable legal fees herein;

THAT in case the Plaintiff is the purchaser of the mortgaged premises at the sale, or in the event the rights of the purchaser at the sale and the terms of the sale under this judgment shall be assigned to an acquired by the Plaintiff and a valid assignment thereof filed with the Special Master or Referee, the Special Master or Referee shall not require the Plaintiff to pay in cash, the entire amount bid at said sale, but shall execute and deliver to Plaintiff a deed of the premises sold upon payment to the Special Master or Referee of the amounts specified above in items marked "FIRST" and "SECOND"; that the balance of the amount bid, after deducting therefrom the amounts paid

by the Plaintiff, shall be allowed to the plaintiff as specified above in item marked "THIRD"; that if, after so applying the balance of the amount bid there shall be a surplus over and above the said amounts due to the Plaintiff, the Plaintiff shall pay to the Special Master or Referee, upon delivery to it of said Special Master or Referee's deed, the amount of said surplus; and that the Special Master or Referee then shall make the payments as herein directed.

That the Special Master or Referee take the receipt of the Plaintiff or its attorney, for the amounts paid as hereinabove directed in item marked "THIRD" and file it with her Report of Sale;

That the surplus moneys, if any, be then deposited in the Registry of this Court, to be withdrawn only on the order of this Court;

That the Special Master or Referee make her report of such sale and file it with the Clerk of this Court with all convenient speed; that if the proceeds of the sale be insufficient to pay the amounts herein directed to be paid to Plaintiff, with the expenses of the sale, interest, costs, and allowances, as aforesaid, the Special Master or Referee specify the amount of such deficiency in the Special Master's or Referee's Report of Sale.

The purchaser on such sale shall be let into possession of the premises sold upon production of the Special Master or Referee's deed to such premises; and that it is still further

ORDERED, ADJUDGED AND DECREED that each and every one of the defendants in this action, and all persons claiming under them or any or either of them after the filing of the Notice of Pendency of this action, be and they are forever barred and foreclosed of all right, title, interest, claim, lien and equity of redemption in and to the mortgaged premises and each and every part and parcel thereof.

The description of the said premises is attached hereto as Schedule A, as previously stated herein

IT IS SO ORDERED

DATED: February 25, 2022

A handwritten signature in black ink, reading "Cathy Seibel". The signature is written in a cursive, flowing style.

UNITED STATES DISTRICT JUDGE

LENDER: UNITED STATES OF AMERICA ACTING THROUGH THE RURAL HOUSING SERVICE
OR SUCCESSOR AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE
BORROWER(s): CATRINA MANTZ
LOAN NO. [REDACTED]

All that certain plot, piece or parcel of land situate, lying and being in the City of Port Jervis, County of Orange and State of New York, being a portion of Lot #14 as shown on a certain map entitled, "Map of Lands of Buckley Brothers" filed in the Orange County Clerk's Office on May 16, 1874 known as Map No. 312, said lot being more particularly described as follows:

BEGINNING at a point marked by a found iron rod on the northerly side of Mechanic Street, said point marks the southeasterly corner of Lot #12 (Lands now or formerly Baker) and the southerly corner of Lot #14 and further being 360 feet northeasterly, as measured along the northerly side of Mechanic Street, from its intersection with the easterly side of West Main Street; running thence along the easterly line of Lot #12, North 32 degrees 00 minutes West 100.0 feet to a found iron rod which marks the southerly corner of Lot #66; thence running along the southerly line of Lot #66, North 58 degrees 00 minutes East 40 feet to a found iron rod for a corner; thence running along the lands now or formerly Markle, South 32 degrees 00 minutes East 100.0 feet to a found iron rod on the northerly side of Mechanic Street; thence running along the same, South 58 degrees 00 minutes West 40.0 feet to the point and place of BEGINNING.

BEING the same premises described in a Deed Arthur P. Marshall Sr. and Caroline M. Marshall and Julia Marshall to John D. Carr and Alice D. Carr, his wife, dated August 28th, 1975 and recorded in the Office of the Clerk of Orange County, N.Y. on September 2nd, 1975 in Liber 2016 of Deeds at page 364.

LENDER: UNITED STATES OF AMERICA ACTING THROUGH THE RURAL HOUSING SERVICE
OR SUCCESSOR AGENCY, UNITED STATES DEPARTMENT OF AGRICULTURE
BORROWER(s): CATRINA MANTZ
LOAN NO. [REDACTED]

BEING the same premises conveyed by John D. Carr and Alice D. Carr, his wife, to Roberto A. Cucci and Rose F. Cucci, his wife, as tenants by the entirety, by deed dated May 8, 1987 and recorded in the Orange County, New York Clerk's Office on May 14, 1987 in Liber 2711 of Deeds at page 323.

BEING the same premises conveyed by Roberto A. Cucci and Rose F. Cucci, his wife, to Amy M. Kean by Deed dated November 23, 1999 and recorded in the Orange County, New York Clerk's Office on December 1, 1999 in Liber 5195 of Deeds at page 231.

These premises are more particularly bounded and described in accordance with a survey made by Daniel J. O'Brien, Professional Land Surveyor, bearing file #06-20, dated February 1, 2006, as follows:

All that certain lot, piece or parcel of land situate, lying and being in the City of Port Jervis, County of Orange, State of New York and being a portion of lot #14 on a filed map entitled "Buckley Brothers Estate" filed in the Orange County Clerk's Office on May 16, 1874 as map #312 and being more accurately bounded and described as follows:

Beginning at a flush iron pipe found in the northwesterly line of Mechanic Street at the division line between lot #14 with lot #12, said point being the southerly most corner of the here-in described parcel; thence from the said point or place of beginning and following along the division line between lot #14 with lot #12, North 32 degrees 00 minutes 00 seconds West 100.00 feet to a point; thence along the division line between lot #14 with lot's #66 and #68, North 58 degrees 00 minutes 00 seconds East 40.00 feet to a point; thence through lot #14, South 32 degrees 00 minutes 00 seconds East 100.00 feet to an iron pipe found in the northwesterly line of Mechanic Street; thence along the northwesterly line of Mechanic Street, South 58 degrees 00 minutes 00 seconds West 40.00 feet to the point or place of beginning and containing 0.09 acres of land more or less

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